IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1181 OF 2005
WITH
CHAMBER SUMMONS NO.1182 OF 2005
IN
EXECUTION APPLICATION NO.183 OF 2004
IN
SUM.SUIT NO.1510 OF 2002

M/s.G.M.Breweries Ltd. ..Plaintiff.

V/s.

M/s.Siddhivinayak Builders & Anr...Defendants.

And

S.N.Ganeshen & Mrs.Geeta Ganeshen..Intervenor/-
through Power of Attorney Obstructionist.
Mr.K.H.Parthasarathy.

Mr.O.A.Das for Judg.Creditor.

Ms. Rumana Bagdad i/b Ms.Sumedha Rao for applicants.

CORAM: A.M.KHANWILKAR,J

DATE : OCTOBER 5, 2005.

P.C. :

1. Heard counsel for the parties. Counsel appearing for the Judgment Creditor fairly states that in view of the documents filed on record, it appears that the applicants have become owner of Flats No.A-403 and A-404, in building known as "Venus", Chikuwadi, Borivali(West),Mumbai 400 092, much before the order of attachment was passed; for which reason, decree passed against the defendant

cannot be executed against the applicants as the applicants are not party to the proceedings. In the circumstances, the Judgment Creditor agrees that the chamber summons be made absolute only with regard to the claim of the applicants.

2. Accordingly, chamber summons is made absolute in terms of prayer clause (b) only with regard to the premises being flats No.A-403 and A-404, situated at building "Venus" referred to above. In other words, warrant of attachment in respect of the above said premises is set aside and recalled and attachment regarding the remaining building shall operate subject to other orders to be passed by the court. No order as to costs.